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SQM US, Inc.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Anton Ewing Individually and on  
Behalf of All Others Similarly  
Situating,

Plaintiffs,

v.

SQM US, INC., an Idaho  
Corporation, BLUE SHIELD OF  
CALIFORNIA LIFE & HEALTH  
INSURANCE COMPANY, a  
California Corporation,  
DOES 1-100, ABC  
CORPORATIONS 1-100

Defendants.

CASE NO. 16-cv-1609 CAB-JLB

**NOTICE OF MOTION AND  
MOTION BY DEFENDANTS BLUE  
SHIELD OF CALIFORNIA LIFE &  
HEALTH INSURANCE COMPANY  
AND SQM US, INC. TO DISMISS  
COMPLAINT**

**[Fed. Rule Civ. Proc. 12(b)(1)]**

**[PER CHAMBERS, NO ORAL  
ARGUMENT UNLESS ORDERED  
BY THE COURT]**

**JURY TRIAL DEMANDED**

**Hearing Date:** September 23, 2016

**Judge:** Hon. Cathy Ann Bencivengo

**Courtroom:** 4C 4<sup>th</sup> Floor (Schwartz)

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** on September 23, 2016, or as soon thereafter as counsel may be heard in Department 4C of the above-entitled court, located at 221 West Broadway, San Diego, California 92101, Defendants Blue Shield of California and SQM US, Inc. (collectively, “Defendants”) move this Court for an order granting their Motion to Dismiss Complaint of Anton Ewing pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, on the grounds that Plaintiff lacks Article III standing, and therefore, this Court lacks subject-matter jurisdiction.

**MOTION**

Defendants Blue Shield of California and SQM US, Inc. (collectively, Defendants”) move this Court for an order granting their Motion to Dismiss Complaint of Anton Ewing pursuant to Federal Rule of Civil Procedure §12(b)(1), on the grounds that Plaintiff lacks Article III standing, and therefore, this Court lacks subject matter jurisdiction.

This motion is based on this Notice of Motion, the Memorandum of Points and Authorities, the pleadings, papers, and other documents on file in this action, and such further evidence or argument as the Court may properly consider at or before the hearing on this Motion.

1 Dated: August 26, 2016

Respectfully submitted,

2 **TROUTMAN SANDERS LLP**

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4 By: /s/ Chad R. Fuller

Chad R. Fuller

5 Virginia Bell Flynn (*pro hac vice*)

6 *Attorneys for Defendant*

7 Blue Shield of California Life & Health  
Insurance Company

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9 **MANATT, PHELPS & PHILLIPS, LLP**

10 By: /s/ Christine M. Reilly

11 Christine M. Reilly

12 *Attorney for Defendant*

13 SQM US, Inc.

**CERTIFICATE OF CM/ECF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on August 26, 2016, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any counsel of record who have not consented to electronic service through the Court's CM/ECF system will be served by electronic mail, first class mail, facsimile, and/or overnight delivery.

/s/ Chad R. Fuller

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